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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,923	04/25/2001	Michael G. Foulger	2018.0060001	6526

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2195

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/840,923

Applicant(s)

FOULGER ET AL.

Examiner

Kenneth Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This final action is in response to the Amendment filed on 12/21/04. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 27-44 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claims 27, 33, and 39, "receiving a first notification from a first computer" and "receiving a second notification from a second computer" are indefinite because it is not made explicitly clear in the claim language where this notification is sent. It is clear where it came from but not who or what gets notified.

- b. In claims 29, 35, and 41, "receiving a result from the first computer" is indefinite because it is not made explicitly clear in the claim language where this result is sent. It is clear where it came from but not who or what gets the result.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 27-29, 32-35, 38-41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,275,575 B1).**

5. As to claim 27, Wu teaches a computer-based method of scheduling executions of programs on a plurality of computers (*see Abstract*) comprising:

(a) installing (set up and initiation) of a first program on the first computer (*col. 2, lines 43-52*);

(b) installing of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer (cross-platform) (*col. 2, lines 23-32*);

(c) scheduling with a master schedule (multi-point telephone conference coordinator), wherein the updated master schedule indicates when the first program is to be executed on the first computer and when the second program is to be executed on the second computer (*col. 5, lines 45-63*); and

(d) requesting the first computer to execute the first program and requesting the second computer to execute the second program according to the updated master schedule (*col. 5, lines 45-67*).

Wu fails to explicitly teach having notifications. However, it is well known that notifications are used as a means to indicate or alert when a particular occurrence happens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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include the feature of notifications to the existing system of Wu because it would alert when Wu's installation of the programs is finished installing. Once installed, the program can then be used. Wu teaches a master schedule (multi-point telephone conference coordinator) but fails to explicitly teach that the master schedule is updated. However, it is also well known in the art that schedules can be updated so that it has the most current and accurate information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of updating the master schedule because it would contain more current and accurate information.

6. As to claim 28, Wu teaches wherein step (c) further comprises indicating in the master schedule that the execution of the first program depends on a condition; and step (d) further comprises requesting the first computer to execute the first program upon the occurrence of the condition (*col. 8, lines 53-62*).

7. As to claim 29, Wu teaches wherein step (c) further comprises indicating in the updated master schedule that an execution of the second program depends on an execution of the first program meeting a criterion; and step (d) comprises:

- (1) requesting the first computer to execute the first program;
- (2) receiving a result (entering PIN, for example) from the first computer; and
- (3) requesting the second computer to execute the second program if the result meets the criterion (executing if PIN is correct, for example) (*col. 3, lines 13-35*).

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8. As to claim 32, Wu teaches wherein step (c) further comprises accepting at least one command from a user to define the updated master schedule (*col. 3, lines 13-26*).

9. As to claim 33, it is rejected for the same reasons as stated in the rejection of claim 27.

10. As to claims 34-35, they are rejected for the same reasons as stated in the rejections of claims 28-29.

11. As to claim 38, it is rejected for the same reasons as stated in the rejection of claim 32.

12. As to claim 39, it is rejected for the same reasons as stated in the rejection of claim 27.

13. As to claims 40-41, they are rejected for the same reasons as stated in the rejections of claims 28-29.

14. As to claim 44, it is rejected for the same reasons as stated in the rejection of claim 32.

15. **Claims 30-31, 36-37, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,275,575 B1) in view of Bowman-Amuah (US 6,606,660 B1).**

As to claim 30, Wu fails to explicitly teach the step of monitoring processor loading associated with the first and second computers and adjusting the executing sequence based on the processor loading. However, Bowman-Amuah teaches monitoring to provide load balancing over a network (*col. 92, lines 49-67*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of monitoring processor loading associated with the first and second computers and adjusting the executing sequence based on the processor loading to the existing system of Wu because it will help conserve resources, and therefore, increase throughput of the system (*col. 92, lines 65-67 through col. 93, lines 1-4*).

16. As to claim 31, Wu teaches a master table with associated process identifier but fails to explicitly teach wherein the master table includes a priority associated with each process identifier. However, Bowman-Amuah teaches thread processing based on priority which can be controlled and altered by an administrator (*col. 94, lines 25-30*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of priority scheduling because scheduling efficiency would increase by being able to schedule according to the most important first.

17. As to claim 36-37, they are rejected for the same reasons as stated in the rejections of claims 30-31.

18. As to claim 42-43, they are rejected for the same reasons as stated in the rejections of claims 30-31.

***Response to Arguments***

19. Applicant's arguments have been fully considered but are now moot in view of the new grounds of rejections.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

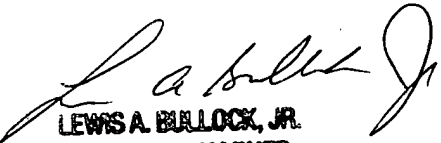


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
4/15/05



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER